

DETAILED ACTION

1. The instant application is a national stage entry of PCT/JP05/04565, filed 15 March 2005.

Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-9, 13-31, 34, drawn to a compound of formula (I) in which variable R³ is pyridine, a composition comprising the same, and a method of using the same.

Group II, claim(s) 1-8, 10-11, 13-31, 34, drawn to a compound of formula (I) in which variable R³ is phenyl, a composition comprising the same, and a method of using the same.

Group III, claim(s) 1-7, 13-31, 34, drawn to a compound of formula (I) in which variable R³ is morpholine, a composition comprising the same, and a method of using the same.

Group IV, claim(s) 1-8, 13-31, 34, drawn to a compound of formula (I) in which variable R³ is thiophene, a composition comprising the same, and a method of using the same.

Group V, claim(s) 1-8, 13-31, 34, drawn to a compound of formula (I) in which variable R³ is 2,1,3-benzoxadiazole, a composition comprising the same, and a method of using the same.

Group VI, claim(s) 1-8, 12-31, 34, drawn to a compound of formula (I) in which variable R³ is pyran or 3,6-dihydro-2H-pyran, a composition comprising the same, and a method of using the same.

Group VII, claim(s) 1-7, 12, 31, 34, drawn to a compound of formula (I) in which variable R³ is cyclohexane or cyclohexene, a composition comprising the same, and a method of using the same.

Group VIII, claim(s) 1-8, 10, 13-31, 34, drawn to a compound of formula (I) in which variable R³ is an aryl group, a heteroaromatic group, a cycloalkyl group, a cycloalkenyl group, or an alicyclic heterocyclic group (each of which is unsubstituted or substituted), a composition comprising the same, and a method of using the same (a compound of this group is not embraced by any one of groups I-VII).

3. The inventions listed as Groups I-VIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: formula (I) lacks a significant structural element because variable R³

varies wildly depending on the specific ring system. In an analysis of formula (I), there are at least 21 (a small count of aryl or heteroaryl monocyclic rings) times 2 (variable R⁶ substituents) times 7 (distinct combinations of NR¹R²), for a total of 294 combinations. Following this reasoning, there is no special technical feature. Further restriction may be necessary.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOBLE JARRELL whose telephone number is (571)272-9077. The examiner can normally be reached on M-F 7:30 A.M - 6:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Noble Jarrell/
Examiner, Art Unit 1624